

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

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HEATHER NELSON,

Plaintiff,

v.

Case No.: 11-cv-307

SANTANDER CONSUMER USA, INC.,  
PATRICK K. WILLIS CO., INC.,  
d/b/a AMERICAN RECOVERY SERVICE,  
ASSETSBIZ CORP. d/b/a ABC RECOVERY,

Honorable Barbara B. Crabb

Defendants.

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**DEFENDANTS' MOTION IN LIMINE NUMBER 1:  
TO SEQUESTER ALL NON-PARTY WITNESSES**

Defendant Santander Consumer USA, Inc., Patrick K. Willis Co., Inc., d/b/a American Recovery Service, and AssetsBiz Corp. d/b/a ABC Recovery ("Defendants"), by their attorneys, respectfully request this Court enter an order *in limine* to exclude all non-party witnesses from the courtroom during the trial or any other proceeding before the Court during which any discussions of witness testimony may be discussed.

Pursuant to Federal Rule of Evidence 615, all non-party witnesses should be excluded from the courtroom during the testimony of any other witness and any other proceeding before the Court during which the testimony or anticipated testimony of any witness may be discussed. "At a party's request the court **must** order witnesses excluded so that they cannot hear other witnesses' testimony...." Fed. R. Evid. 615 (emphasis added). Rule 615 is designed to prevent a witness from conforming his/her testimony to that of another and to discourage fabrication and collusion. *See United States v. Gammon*, 961 F.2d 103, 105 (7th Cir. 1992); *see also 6 Wigmore on Evidence* §§ 1837-1838 (Chadbourn Rev. 1976) ("sequestration is (next to cross examination)

one of the greatest engines that the skill of man has ever invented for the detection of liars in a court of justice”). Where, as here, much of the evidence as to the occurrence of certain events will be based almost exclusively on the oral testimony of witnesses, it is important that this usual practice be followed.

WHEREFORE, defendant Santander Consumer USA, Inc., Patrick K. Willis Co., Inc., d/b/a/ American Recovery Service and AssetsBiz Corp., d/b/a/ ABC Recovery respectfully request that this Court enter an order excluding all non-party individuals identified as potential witnesses by either party from the courtroom during (i) any testimony of any witness and (ii) any other proceeding before the Court during which the testimony or anticipate testimony of any witness may be discussed.

Dated: May 10, 2013

SANTANDER CONSUMER USA, INC.,  
PATRICK K. WILLIS CO., INC., d/b/a  
AMERICAN RECOVERY SERVICE  
AND ASSETSBIZ CORP., d/b/a/ ABC  
RECOVERY  
*Defendants*

s/ David Z. Smith  
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**CERTIFICATE OF SERVICE**

I, David Z. Smith, hereby state that on May 10, 2013, I electronically filed the foregoing **DEFENDANTS' MOTION IN LIMINE NUMBER 1** with the Clerk of the U.S. District Court for the Western District of Wisconsin using the ECF system, which will send notification to all parties of record.

By:       /s/ David Z. Smith        
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